

TEXAS JUVENILE PROBATION COMMISSION

Explanation of Notification of Disposition

The abuse, neglect and exploitation investigations conducted by the Texas Juvenile Probation Commission are governed by the administrative rules set forth in Title 37 Texas Administrative Code Chapter 350. Your receipt of this *Notice of Disposition* means that the Commission has completed its investigation in which you were named as the alleged perpetrator. This sheet serves to explain the *Notice of Disposition*. For further information regarding your legal rights and remedies you may need to consult private counsel.

Dispositions:

Baseless - Clear and convincing evidence confirms that the allegation is spurious or patently without factual basis or that the conduct, which formed the basis of an allegation of abuse, neglect or exploitation, did not occur.

Concur – A preponderance of evidence obtained during the Commission's investigation, which is in part supported by the internal investigation, determines that an incident occurred; however, the evidence is not necessarily definitive as to whether or not elements of the incident meet the statutory definition of abuse, neglect or exploitation.

Does Not Meet the Statutory Definition – A preponderance of evidence determines the conduct that formed the basis of the allegation does not meet the statutory definition of abuse, neglect or exploitation.

Previously Investigated – The alleged incident was previously investigated by the Commission and therefore, further investigation by the Commission is unwarranted.

Reason to Believe – A preponderance of evidence substantiates that an incident that meets the statutory definitions of abuse, neglect or exploitation occurred.

Referred – The case is referred to the government entity with investigative jurisdiction when a preponderance of evidence confirms:

- The Commission does not have investigative jurisdiction;
- Law enforcement is conducting a criminal investigation; or
- Criminal prosecution is pending.

Ruled Out – A preponderance of evidence does not substantiate that an incident, which meets the statutory definition of abuse, neglect or exploitation, occurred.

Unable to Determine – A preponderance of evidence does not exist to substantiate that abuse, neglect or exploitation occurred; nor does a preponderance of evidence exist to rule out that abuse, neglect or exploitation did not occur.

Unable to Investigate – The Commission's investigation cannot proceed because:

- The persons involved in the alleged incident cannot be identified or located;
- The persons involved in the alleged incident refuse to cooperate with the investigation;
- There is insufficient information to proceed with the investigation; or
- Evidence essential to the investigation is no longer obtainable.

Roles: At the conclusion of an investigation of alleged of abuse, neglect, exploitation or death in which the assigned disposition is "Reason to Believe", a role shall be assigned to the alleged victim and to the alleged perpetrator.

Administrative Designee – The alleged perpetrator is the administrator of the department, program or facility and it was determined that the proximate cause of the alleged incident of abuse, neglect, exploitation or death was based on policies and procedures under the direct control of the administrator.

Designated Victim – The investigation determined the juvenile was abused, neglected or exploited.

Designated Perpetrator – The investigation determined the alleged perpetrator is responsible for the abuse, neglect or exploitation of a juvenile.

Procedure to Request Investigation Report:

Pursuant to Title 37 Texas Administrative Code §349.59 and to the extent required by state or federal law, or to the extent deemed necessary by the Commission for the protection and care of juveniles, the Commission may release case record information made confidential under Texas Family Code §261.201(a). A complete listing of those individuals/entities who may be given access to otherwise confidential abuse, neglect and exploitation information can be found in Title 37 Texas Administrative Code §349.59.

Records will not be released until the investigation of an allegation of abuse, exploitation or neglect is complete, unless, in the discretion of the Commission, release prior to investigation completion is necessary to aid in the protection of juveniles.

Procedure to Request an Administrative Review:

If you have been assigned the role of “**Designated Perpetrator**”, you have the right to an administrative review of the investigation findings. Only Designated Perpetrators have the right to request an administrative review. A request for an administrative review must be made **in writing within 45 days** after receiving the written *Notification of Disposition*.

Requests for Information and Administrative Reviews:

All requests for information and requests for Administrative Review must be submitted in writing to:

**The Texas Juvenile Probation Commission
Attn: Legal Division
P.O. Box 13547
Austin, Texas 78711**

If you have any questions you may contact a member of the Investigation Unit or Legal Division at 512-424-6700.